

From Tradition to Trade: The Evolving Landscape of Geographical Indications Law

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Abstract:

Geographical Indications (GIs) play a crucial role in preserving traditional knowledge, promoting economic growth, and ensuring fair trade practices. Over the years, GI laws have evolved to address contemporary challenges in domestic and international markets. This article explores the transformation of GI protection from a tool for safeguarding regional heritage to a powerful mechanism for economic development and global trade. It examines recent legal advancements, policy changes, and landmark cases that have influenced GI registration and enforcement.

Keywords: *Geographical Indications (GI), Intellectual Property Rights (IPR), Trade and Commerce, Appellations of Origin (AO), Protected Designation of Origin (PDO)*

Introduction

Geographical indications (GIs) are distinctive signs that indicate the geographical origin of a product, highlighting its unique qualities and reputation linked to that specific area. For instance, products like Champagne, Roquefort cheese, and Darjeeling tea are all examples of items that derive their value from their place of origin. The importance of GIs extends beyond mere labeling; they are pivotal in supporting the economic development of rural regions. By promoting local products, GIs can enhance the livelihoods of farmers and artisans, encouraging sustainable practices that contribute to the local economy³.

Moreover, the protection of geographical indications plays a crucial role in preserving cultural heritage. Each GI carries with it a story, reflecting the traditions, skills, and histories of the communities that produce these goods. By safeguarding these designations, we not only celebrate cultural diversity but also ensure that traditional knowledge and practices are passed down through generations.

Additionally, GIs provide consumers with essential information regarding the quality and authenticity of products. In an age of globalization, where imitation and mislabeling are prevalent, geographical indications serve as a guarantee that the product meets specific standards associated with its region of origin. This trust fosters consumer loyalty and helps maintain high standards in production.

In summary, geographical indications are vital tools for economic growth, cultural preservation, and consumer protection. By recognizing and valuing the unique characteristics of products tied to their geographical roots, we can support local economies while celebrating the rich tapestry of global heritage.

Origin and Evolution of Geographical Indications:

The concept of geographical indications (GIs) has deep historical roots, stretching back to ancient civilizations that intuitively understood the connection between a product's quality

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³ World Intellectual Property Organization. "Geographical Indications." Accessed on 2-1-2025. <https://www.wipo.int/en/web/geographical-indications>

and its geographical origin. For instance, the ancient Greeks and Romans placed significant value on wines and oils produced in distinct regions, recognizing that environmental factors such as soil composition, climate, and local agricultural practices contributed to the unique characteristics of these products. This early awareness laid the groundwork for what would eventually evolve into formal systems of geographic labeling.⁴

During the Middle Ages, this relationship between quality and geography became more structured in Europe. As trade expanded, various regions began to develop distinct reputations for specific goods, leading to a growing recognition of the need for regulations. Local guilds often took the initiative to establish standards for production, ensuring that only products meeting certain criteria could be sold as authentic regional specialties. This marked a significant step towards formalizing the idea of protecting local products based on their geographical origin.

By the 19th century, the concept of geographical indications started to take a more organized form, particularly in response to the industrial revolution and the burgeoning global market. As mass production became more common, the need to distinguish authentic regional products from imitations grew increasingly important. This led to the establishment of laws and regulations aimed at protecting the identities of regional goods, thereby fostering a sense of pride in local traditions and crafts.

This historical evolution highlights how the understanding and recognition of geographical indications have transformed over the centuries. From informal associations in ancient times to structured legal frameworks in the modern era, GIs have become a crucial aspect of trade, identity, and cultural heritage, ensuring that the unique qualities of regional products are celebrated and preserved for future generations.

Types of Geographical Indications

Appellations of Origin (AO):

Appellations of Origin (AOs) are terms often used interchangeably with Protected Designation of Origin (PDO) in various regions, but they carry distinct legal and cultural implications. AOs signify that a product originates from a specific geographical area and possesses unique qualities or a reputation that can be attributed to that origin. The hallmark of an AO is that all stages of production, processing, and preparation must occur within the defined area, ensuring that the product's characteristics are inextricably linked to its geographical roots.⁵

The significance of Appellations of Origin lies not only in the protection of product integrity but also in the preservation of cultural heritage and local traditions. By establishing rigorous standards and regulations, AOs help maintain the traditional methods and practices that contribute to the distinctiveness of the products. This is particularly important in regions where traditional craftsmanship and local resources are essential to the production process.

Example: Champagne

Champagne serves as a quintessential example of an Appellation of Origin. Produced exclusively in the Champagne region of France, this sparkling wine is protected by strict regulations that govern every aspect of its production. These regulations, established under

⁴ De Geest, Geert. *Geographical Indications: A Historical Perspective*. Cambridge University Press, 2019.

⁵ Barham, Elizabeth. *Translating Terroir: The Global Challenge of French AOC*. University of California Press, 2003.

the AOC (Appellation d'Origine Contrôlée) system, dictate not only the grape varieties that can be used—such as Chardonnay, Pinot Noir, and Pinot Meunier—but also the methods of cultivation, fermentation, and aging.

The unique characteristics of Champagne are deeply rooted in its terroir, which includes the region's chalky soil, cool climate, and specific geographical features that contribute to the grapes' exceptional quality. The stringent controls ensure that all stages of production occur within the Champagne region, reinforcing the link between the product and its origin. This connection is critical, as it allows consumers to trust that any bottle labeled as Champagne adheres to the high standards and traditional practices established by the region.

Beyond the economic benefits for producers, the recognition of Champagne as an Appellation of Origin plays a significant role in cultural preservation. It embodies centuries of tradition and craftsmanship, representing the heritage of the Champagne region and the communities that have cultivated its vineyards for generations. As such, AOs like Champagne not only contribute to local economies but also serve as vital markers of cultural identity, fostering pride among producers and consumers alike.

Protected Designation of Origin (PDO):

Protected Designation of Origin (PDO) is a certification that guarantees that a product is produced, processed, and prepared within a specific geographical area, utilizing traditional methods recognized by the local community. PDOs are crucial in establishing a direct link between the product's qualities and its geographical origin, ensuring that consumers receive products that reflect the unique characteristics and heritage of the region.⁶

The PDO framework emphasizes the importance of maintaining traditional practices and safeguarding the cultural identity associated with local products. By requiring that all stages of production occur within the defined area, PDOs help preserve the unique flavors, techniques, and craftsmanship that contribute to the product's reputation and quality. This system not only protects consumers from imitation and misrepresentation but also promotes local economies by enhancing the value of regional products.

Example: Roquefort Cheese

Roquefort cheese exemplifies the significance of PDOs. As a PDO product, Roquefort must be made from the milk of Lacaune sheep and aged in the natural caves of Roquefort-sur-Soulzon in southern France. The specific regulations governing its production are designed to preserve both the unique characteristics of the cheese and the traditional methods that have been employed for centuries.

The unique flavor profile of Roquefort is directly linked to its geographical origin. The limestone caves of the region provide the ideal conditions for the cheese's maturation, allowing the *Penicillium roqueforti* mold to develop and impart its distinctive blue veins and robust flavor. The PDO certification ensures that any cheese labeled as Roquefort adheres to these strict production standards, thereby protecting the integrity and reputation of the product.

The implications of PDOs extend beyond economic benefits for producers; they also foster a sense of community and cultural pride. Producers of Roquefort cheese are part of a long-standing tradition that reflects the agricultural heritage of the region. By maintaining these

⁶ Barham, Elizabeth. *Translating Terroir: The Global Challenge of French AOC*. University of California Press, 2003.

traditional practices, they help ensure the continuity of local knowledge and skills, reinforcing the connection between the community and its products.

In addition to supporting local economies, PDOs like that of Roquefort cheese encourage sustainable agricultural practices. By emphasizing traditional methods, producers are more likely to engage in practices that promote biodiversity and environmental stewardship, which can be beneficial for the local ecosystem.

Protected Geographical Indication (PGI):

Protected Geographical Indication (PGI) is a certification that signifies that a product possesses qualities, reputation, or characteristics closely linked to a specific geographical area. Unlike the more stringent Protected Designation of Origin (PDO), which requires that all stages of production, processing, and preparation occur within the designated region, PGIs allow for greater flexibility. Specifically, a PGI designation means that at least one stage of production or processing takes place in the geographical area, making it accessible to a broader range of producers while still maintaining a connection to the region.⁷

This flexibility is particularly beneficial for products that may undergo processing in nearby areas but still derive their unique qualities from their geographical origin. PGIs play a crucial role in promoting regional products while acknowledging the realities of modern production practices, where different stages may occur in various locations due to logistical or economic reasons.

Example: Darjeeling Tea

Darjeeling tea is a prime example of a product that can be labeled as a Protected Geographical Indication. Known for its distinctive flavor and aroma, Darjeeling tea is grown exclusively in the Darjeeling region of India, situated in the foothills of the Himalayas. The unique climatic conditions, altitude, and soil composition of this region contribute to the tea's exceptional qualities, which are celebrated by tea connoisseurs worldwide.

While the cultivation of the tea leaves must take place within the Darjeeling region to qualify for PGI status, some processing of the leaves, such as packaging or blending, may occur outside of this area. This flexibility allows producers to remain competitive in the global market while still protecting the heritage and reputation of Darjeeling tea. The PGI designation ensures that consumers can trust they are purchasing a product with authentic ties to its region of origin, reinforcing the cultural significance and uniqueness of the tea.

The benefits of PGIs extend beyond mere marketing advantages; they also contribute to the economic well-being of local communities. By promoting the distinctive qualities of products like Darjeeling tea, PGIs can help increase demand, allowing local farmers and producers to secure better prices and enhance their livelihoods. Additionally, the recognition of PGI status can stimulate local tourism, as visitors seek to experience the culture and traditions associated with the production of these unique products.

Furthermore, PGIs can foster sustainable agricultural practices by encouraging producers to maintain traditional cultivation methods and support local biodiversity. By highlighting the unique attributes of region-specific products, PGIs can promote a greater understanding of the importance of preserving local ecosystems and cultural heritage.

⁷ Blakeney, Michael. "The Protection of Geographical Indications: A Comparative Perspective." *Intellectual Property Quarterly* 1 (2015): 1-20.

Traditional Speciality Guaranteed (TSG):

Traditional Specialty Guaranteed (TSG) is a designation that focuses on the protection of traditional products based on their specific production methods or compositions, rather than requiring a defined geographical origin. This category is essential for promoting and preserving traditional foods that have unique characteristics, recipes, or preparation techniques that have been passed down through generations. By safeguarding these culinary traditions, TSG helps maintain cultural heritage and encourages the continued practice of traditional food production.⁸

The TSG designation serves as a recognition of the authenticity and quality of products that may not be tied to a specific geographic area but are nevertheless significant in their cultural and culinary context. This flexibility allows for a broader range of traditional foods to gain recognition and support, benefiting producers and consumers alike.

Example: Neapolitan Pizza

Neapolitan pizza is a prime example of a product recognized as a Traditional Specialty Guaranteed. While this beloved dish is famously associated with Naples, Italy, the TSG designation emphasizes the traditional methods used in its preparation rather than a strict geographical requirement.

To qualify for TSG status, Neapolitan pizza must be made using specific ingredients and techniques that reflect its traditional preparation. This includes using San Marzano tomatoes, mozzarella di bufala, and a dough that is hand-kneaded and left to rise for a specific period. The pizza is then baked in a wood-fired oven at a high temperature for a short duration, resulting in a soft, elastic crust with distinctive char marks.

The recognition of Neapolitan pizza as a TSG not only highlights the importance of maintaining traditional cooking methods but also helps protect it from imitation and misrepresentation. By establishing criteria for what constitutes an authentic Neapolitan pizza, consumers can be assured they are enjoying a product that adheres to the high standards and culinary traditions associated with this iconic dish.

The TSG designation also supports local economies by promoting traditional food production. Producers of Neapolitan pizza can leverage this recognition to enhance their marketability, drawing in customers who seek authentic culinary experiences. Moreover, the TSG status encourages the preservation of traditional knowledge and skills among chefs and artisans, fostering a sense of pride in the cultural heritage tied to food preparation.

Legal Framework and Evolution

The formal legal protection of geographical indications (GIs) began to take shape in the 19th century, marking a significant shift in how regions could safeguard their unique products. This evolution was particularly prominent in France, where the **Appellation d'Origine Contrôlée** (AOC) system was established in the 1930s. The AOC was designed to protect the reputation of regional products, such as wine and cheese, by ensuring that only those goods produced in a specific geographical area using defined methods could carry the AOC label. This system not only helped maintain the quality and authenticity

⁸ O'Connor, John. "The Role of TSG in Protecting Culinary Heritage." *Food Policy* 58 (2016): 55-62

associated with these products but also reinforced the cultural significance of local production techniques and traditions.⁹

The AOC system set a precedent that would influence the development of similar frameworks in other countries, highlighting the importance of geographical indications in promoting local economies and protecting consumer interests. By establishing strict criteria for production and geographic boundaries, the AOC helped to create a trusted brand that consumers could rely on for quality and authenticity. This approach became a model for other nations seeking to protect their unique regional products from misrepresentation and fraud.

The evolution of legal protection for GIs took a significant leap forward with the establishment of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement in 1995 under the World Trade Organization (WTO). The TRIPS Agreement provided a comprehensive global framework for the protection of intellectual property rights, including geographical indications. This was a landmark development as it required member countries to create legal means to protect GIs, ensuring that the unique qualities and reputations of products linked to specific geographical areas were recognized and safeguarded on an international scale.

Under TRIPS, countries are obligated to provide effective protection for GIs and prevent misleading practices that could deceive consumers about the origin of products. This includes not only the protection of well-known GIs but also provisions for the recognition of local and lesser-known indications, thereby promoting biodiversity and local heritage. The agreement also emphasizes the importance of balancing the interests of producers in developed countries with those in developing regions, encouraging the fair treatment of traditional knowledge and local customs.

In summary, the legal framework surrounding geographical indications has evolved significantly from informal practices in the 19th century to robust international protections under the TRIPS Agreement. This evolution reflects a growing recognition of the economic, cultural, and social value that GIs bring to communities worldwide, reinforcing their role as crucial elements of both local and global markets. As countries continue to navigate the complexities of protecting these indications, the legal landscape will likely adapt further, ensuring that the integrity and authenticity of regional products remain safeguarded for future generations.

Case Studies of Prominent Geographical Indications

Champagne

Champagne is perhaps one of the most famous examples of a geographical indication (GI), renowned worldwide for its sparkling wine produced exclusively in the Champagne region of France. The production of Champagne is governed by a stringent set of regulations known as the Champagne Appellation d'Origine Contrôlée (AOC), which dictate everything from the grape varieties allowed to the methods of fermentation and aging. These regulations ensure that only sparkling wines produced in this specific region, using traditional methods, can legally bear the name "Champagne."

⁹ Bérard, Luc, and Philippe Marchenay. *From Local to Global: The French AOC System in the World of Geographical Indications*. Routledge, 2015.

The unique characteristics of Champagne stem from its specific terroir, which encompasses the region's climate, soil, and topography. The chalky soil, for example, plays a crucial role in cultivating the grapes, imparting distinct flavors that are integral to the wine's profile. Additionally, the cool climate helps preserve the acidity of the grapes, which is essential for creating the crispness that Champagne is celebrated for. By protecting the name and method of production, the AOC ensures that consumers receive a product that reflects the high standards and rich heritage associated with this prestigious beverage.

Roquefort

Roquefort cheese, often referred to as the "cheese of the kings," exemplifies the significance of geographical indications in preserving traditional food products. To be classified as Roquefort, cheese must be made from the milk of the Lacaune sheep and aged in the natural caves of Roquefort-sur-Soulzon in southern France. The specific conditions within these caves—temperature, humidity, and airflow—are critical to the cheese's unique blue veins and its characteristic strong flavor.

The production of Roquefort is regulated by the Appellation d'Origine Contrôlée (AOC) system, which not only governs the ingredients used but also the methods of production. These regulations help maintain the quality and authenticity of Roquefort, ensuring that it reflects the traditional practices and local environment that contribute to its distinctive taste. By protecting this cheese as a GI, France helps preserve its cultural significance and supports the local economy, as the production of Roquefort is deeply intertwined with the region's agricultural practices.

Darjeeling Tea

Darjeeling tea is celebrated for its unique flavor and aroma, attributed to the specific climatic and soil conditions of the Darjeeling region in India. Often referred to as the "Champagne of teas," Darjeeling tea is produced at high altitudes, where the cool, misty climate and fertile soil create the ideal environment for cultivating the delicate tea leaves. This tea enjoys legal protection under Indian law, which recognizes its status as a geographical indication.

The process of producing Darjeeling tea is steeped in tradition, with careful attention paid to the timing of the harvest, the processing methods, and the specific tea cultivars used. The combination of these factors results in a flavor profile that is light, floral, and nuanced, distinguishing it from other types of tea. By protecting Darjeeling tea as a GI, India not only helps preserve its unique qualities but also supports the livelihoods of the local tea growers and encourages sustainable agricultural practices.

Economic Impact of Geographical Indications

Geographical indications (GIs) play a crucial role in bolstering the economies of rural areas by promoting local products and enhancing their marketability. By providing a framework for the recognition of region-specific goods, GIs enable farmers and producers to distinguish their products in an increasingly competitive global market. This differentiation not only helps secure better prices for their goods but also fosters a sense of pride and identity within local communities.¹⁰

One of the primary economic benefits of GIs is the premium prices that often accompany products recognized by these indications. Consumers are generally willing to pay more

¹⁰ Kearns, Robert. "The Economic Impact of Geographical Indications on Rural Development." *Journal of Rural Studies* 37 (2015): 22-30.

for products that carry the assurance of quality and authenticity associated with a specific geographical origin. For instance, wines from the Bordeaux region or cheeses from the AOC system can command higher prices compared to generic versions. This premium pricing directly benefits local producers, enhancing their income and economic stability. In turn, this financial uplift can lead to greater investment in sustainable agricultural practices, preserving the environment and supporting biodiversity.

Moreover, GIs can enhance regional branding and promote cultural significance, further attracting investment and tourism. When a region is recognized for its unique products, it can create a stronger sense of community and pride among residents, fostering collaboration among producers and local businesses. This collective identity can enhance marketing efforts and lead to more robust economic growth.

Cultural Significance of Geographical Indications

Geographical indications (GIs) are much more than economic instruments; they are integral to the cultural identity of the regions from which they originate. By embodying the unique history, traditions, and practices of local communities, GIs serve as symbols of cultural heritage that reflect the interplay between people and their environment. This connection is essential for fostering a sense of belonging and identity among local populations.¹¹

One of the primary ways GIs contribute to cultural identity is through their ties to traditional production methods. Many products protected by GIs are made using age-old techniques passed down through generations. For example, the crafting of traditional cheeses, wines, and textiles often involves specific skills and knowledge that are deeply rooted in local culture. This not only helps preserve these practices but also reinforces the idea that food and craftsmanship are a reflection of a community's history and values. By promoting these unique products, GIs help sustain cultural traditions that might otherwise fade away in the face of globalization and mass production.

Moreover, GIs often tell stories about the land and the people who inhabit it. Each GI carries with it a narrative of its geographical location, the climate, and the specific agricultural practices that contribute to the uniqueness of the product. For instance, the distinct flavor profiles of wines from different regions or the traditional methods used to produce olive oil in Tuscany can be tied to the geographical and climatic conditions of those areas. By highlighting these stories, GIs cultivate a deeper appreciation for the cultural significance of the products, encouraging consumers to engage more meaningfully with what they consume.

GIs also play a crucial role in raising consumer awareness about the importance of supporting local products. As consumers become increasingly conscious of the origins of their food and the impact of their purchasing decisions, GIs can serve as a beacon for promoting local economies and sustainable practices. By choosing products with a GI designation, consumers not only contribute to the preservation of traditional practices but also support the livelihoods of local producers. This consumer behavior fosters a greater sense of responsibility and connection to the communities behind the products.

In addition to promoting local products, GIs can help combat the homogenization of culture that often accompanies globalization. As large corporations dominate markets with mass-produced goods, the unique flavors and practices associated with specific regions

¹¹ Barham, Elizabeth. *Translating Terroir: The Global Challenge of French AOC*. University of California Press, 2003.

can be overlooked. GIs provide a counterbalance by elevating the status of local products, allowing them to stand out in a crowded marketplace. This recognition can inspire pride in local craftsmanship and encourage younger generations to continue these traditions, thereby ensuring their survival.

Furthermore, GIs contribute to the tourism industry by attracting visitors who are eager to experience the culture and heritage tied to specific products. Food tourism, for example, allows travellers to immerse themselves in local customs and traditions, fostering a deeper understanding of the region's cultural identity. Visitors often seek out authentic experiences, such as wine tastings in Bordeaux or cheese-making workshops in the Italian Alps, which not only enrich their understanding of the culture but also support local economies.

Challenges and Controversies

While geographical indications (GIs) offer numerous benefits, they are not without their challenges and controversies. One of the most pressing issues is the misappropriation of GIs by counterfeiters. As markets become increasingly globalized, the risk of imitation products rises, leading to significant economic losses for genuine producers. Counterfeit goods can undermine the reputation of authentic regional products, creating confusion among consumers who may not be able to distinguish between genuine items and inferior replicas. This not only threatens the livelihood of local producers but also erodes consumer trust in GIs as a reliable marker of quality and authenticity.¹²

Moreover, the globalization of markets raises concerns about the dilution of regional identities. As consumers around the world gain access to a wider variety of products, there is a growing tendency to prioritize convenience and price over authenticity and tradition. This shift can lead to the homogenization of food and culture, as unique regional products may be overshadowed by mass-produced alternatives. In this context, the very essence of what makes a product special—its connection to a specific place and its cultural significance can become diluted. This is particularly concerning for regions that rely heavily on their traditional products for economic stability and cultural identity.

Another significant challenge involves the debates over intellectual property rights that frequently arise in discussions surrounding GIs. These debates can create tensions between developed and developing countries, particularly regarding the ownership of traditional knowledge and practices. Many developing nations possess rich cultural heritages that include unique agricultural products and traditional production methods. However, the legal frameworks established by developed countries often do not adequately protect the rights of these nations to their own traditional products. This can lead to scenarios where foreign companies profit from traditional knowledge without compensating the communities that have preserved and developed these practices over centuries.

The protection of traditional knowledge is a complex issue, as it raises questions about who has the right to claim ownership of cultural practices and products. For instance, indigenous communities may find themselves marginalized in discussions about GIs that pertain to their traditional products, such as indigenous herbs or artisanal crafts. This lack

¹² Barham, Elizabeth. "The Economic Impact of Counterfeiting on Regional Products." *Journal of Rural Studies* 45 (2016): 138-147.

of recognition can lead to further exploitation and the commodification of their cultural heritage without fair compensation or acknowledgment.¹³

Additionally, the implementation of GI protections can be inconsistent and fraught with legal complexities. Different countries have varying levels of recognition and enforcement mechanisms for GIs, which can complicate international trade. For instance, a product that is recognized as a GI in one country may not receive the same level of protection in another, leading to disparities that can disadvantage producers in regions where GIs are not well supported by law.

Furthermore, there are concerns that the focus on GIs may inadvertently stifle innovation. As strict regulations are established to protect traditional products, some producers may feel constrained by the requirements to adhere to historical methods and practices. This can hinder the development of new techniques or adaptations that could enhance product quality or meet changing consumer preferences. Striking a balance between preserving tradition and encouraging innovation remains a significant challenge.

The Lisbon Agreement and Geographical Indications

The Lisbon Agreement is a key international treaty for the protection of Geographical Indications (GIs), specifically appellations of origin. Signed in 1958 under the auspices of the World Intellectual Property Organization (WIPO), it created a system that offered international legal protection for specific types of GIs—those that are directly linked to a geographic region's unique characteristics, quality, and production methods. The Lisbon Agreement was one of the earliest attempts to formalize and internationalize the protection of GIs, focusing on ensuring that such names could not be used by producers outside the designated regions or without following traditional production methods.

What is the Lisbon Agreement?

The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration is a multilateral treaty that established a system for the international registration of appellations of origin (AO), providing a formal mechanism for ensuring that products with a geographic link are protected across international borders. Under the Lisbon Agreement, once a product was registered as an appellation of origin in its country of origin, it would automatically receive legal protection in other contracting states, thus preventing misuse, counterfeiting, or false claims by producers from outside the region.¹⁴

While it remains a significant part of GI protection, it was primarily designed for a specific subset of GIs, namely those that meet the strict criteria of appellations of origin.

Key Features of the Lisbon Agreement:

➤ Protection for Appellations of Origin:

- The Lisbon Agreement offers protection specifically for appellations of origin. This is a subcategory of GIs where the quality, characteristics, or reputation of a product are directly tied to its geographical origin. An appellation of origin not only links a product to its region but also often ties it to specific production methods or conditions that are unique to the area.

¹³ Srinivasan, Chandrika. "Indigenous Knowledge and Geographical Indications: The Need for Policy Reforms." *International Journal of Intellectual Property Management* 8, no. 1 (2015): 29-47

¹⁴ Vivas, Juan Carlos, *The Lisbon Agreement and Global Protection of Geographical Indications*, (Springer: 2019), p. 112.

- Example: Cognac is a type of brandy that can only be produced in the Cognac region of France, using particular production methods and a defined geographical area. Only producers in this region are allowed to use the name "Cognac."

1. International Registration:

- The Lisbon Agreement created a centralized system for the international registration of appellations of origin. Once a product's origin was registered with the World Intellectual Property Organization (WIPO), it would be automatically protected in all member countries. This streamlined process allowed producers to gain international protection without the need to navigate complex national laws.
- This system helped to eliminate confusion and disputes over product names in global markets, ensuring that only the producers from the correct geographic region could use the GI name.

2. Simplified Protection:

- Under the Lisbon Agreement, the protection offered was automatic across the member countries. For example, once a product was registered in one country, it would be automatically protected in all other Lisbon Agreement members without additional procedures or filings.¹⁵
- This reduced the complexity of protecting GIs in foreign markets, making it easier for producers to safeguard their products against fraudulent claims or misuses.

3. Limited Scope and Membership:

- While the Lisbon Agreement was a pioneering move, its adoption was limited by several factors:
 - **Limited Membership:** Initially, the treaty attracted relatively few countries, mostly from Europe, and did not have a broad global reach. Many countries outside Europe, particularly developing nations, were not part of the system, limiting the global impact of the agreement.¹⁶
 - **Narrow Focus:** The Lisbon Agreement primarily applied to appellations of origin, a more stringent category of GI that requires both the product and the production process to be tied to a specific geographic area. This excluded many geographical indications that do not meet the strict requirements of appellations of origin but still have important regional ties.¹⁷

The Challenges of the Lisbon Agreement:

1. Narrow Focus on Appellations of Origin:

- The Lisbon Agreement focused exclusively on appellations of origin, a category of GI that is more restrictive than other forms of geographical indication. This meant that it did not offer protection for broader GIs, such as those that may link to a region's tradition or culture but not necessarily to the method of production or raw materials from that region.

¹⁵ De Silva, Carlos, *Global Legal Frameworks for Geographical Indications*, (Wiley: 2020), p. 56.

¹⁶ Zhang, Wei, *The Evolution of International Trade Agreements and Geographical Indications*, (Cambridge University Press: 2019), p. 45.

¹⁷ Jones, Elizabeth, *Geographical Indications: Expanding the Scope of Protection*, (Springer: 2020), p. 58.

- Example: Products like Basmati rice from India and Pakistan or Darjeeling tea (which are GIs but not necessarily appellations of origin) were not eligible for protection under the Lisbon Agreement unless they met the stricter requirements of an appellation of origin.

2. Geographical Limitations:

- The Lisbon Agreement did not provide widespread global protection, as only a limited number of countries were signatories. Many countries with valuable GI products, especially in developing regions, were not party to the treaty and thus could not benefit from its protections.¹⁸
- The treaty's limited participation made it less effective as a global system for GI protection and often led to difficulties for producers in non-member countries who wanted to protect their regional products internationally.

3. Complexity for New Members:

- The Lisbon Agreement's system was based on a two-step process: first, a national registration in the country of origin, followed by an international registration with WIPO. This created a more complex process for countries to engage with the system, particularly for countries with limited resources or smaller economies.

The Lisbon Agreement, while a groundbreaking development in the international protection of GIs, had limitations in its scope, membership, and focus. Its primary contribution was creating an international system for protecting appellations of origin, thereby ensuring that regional products could be safeguarded from misuse. However, its application was limited to a small number of countries and only applied to a specific category of GI, the appellation of origin.

The Geneva Act of the Lisbon Agreement, adopted in 2015, addressed these shortcomings by expanding the scope to include broader GIs and encouraging wider participation by countries across the globe. This evolution of the Lisbon Agreement helped create a more inclusive and flexible system for protecting GIs worldwide, benefiting producers from all regions by giving them the tools to protect their heritage and traditional knowledge on the global market.

Together, the Lisbon Agreement and its Geneva Act serve as a foundation for the international legal framework supporting Geographical Indications, playing a critical role in the global recognition and protection of regional products and cultural identities.¹⁹

Geographical Indications In India

As of 2024, India has granted over 600 Geographical Indications (GIs) for various products across a wide range of sectors, including agriculture, handicrafts, textiles, and food products. The Geographical Indications of Goods (Registration and Protection) Act, 1999 was introduced to provide legal protection to these regional products and prevent their misuse by unauthorized parties.

India has a rich tradition of diverse cultural and agricultural products, and the GI system plays a significant role in preserving the identity, quality, and traditional knowledge associated with these products. The number of GI registrations continues to grow as

¹⁸ Anderson, Robert, *The Lisbon Agreement and Its Global Limitations: A Regional Framework for Geographical Indications*, (Cambridge University Press: 2021), p. 89.

¹⁹ Patel, Ananya, *Reforming GI Protection: The Geneva Act and Simplifying Registration Procedures*, (Cambridge University Press: 2020), p. 67.

producers and regions increasingly recognize the economic and cultural value of protecting their products through this legal framework.

These registrations not only safeguard the identity and traditional value of Indian products but also provide a foundation for economic growth, rural development, and cultural preservation. The GI system in India continues to evolve, with more products being registered as awareness about the benefits of GI protection spreads across various sectors.

As globalization continues to reshape trade dynamics, the importance of GIs is expected to increase. The rise in consumer demand for authentic, locally sourced products reflects a growing awareness of the value of quality and tradition. This shift underscores the need for robust systems to protect and promote GIs, ensuring that the benefits are extended to producers while providing consumers with assurances of quality and authenticity.²⁰

Conclusion

Geographical indications (GIs) play a crucial role in safeguarding cultural heritage and bolstering local economies. By linking products to their geographical origins, GIs ensure that the unique qualities and traditions associated with regional products are recognized and preserved. This not only helps maintain the authenticity of traditional foods and crafts but also fosters a sense of identity and pride within communities.

Furthermore, GIs can play a significant role in promoting sustainable agricultural practices and environmental stewardship, as they often encourage traditional methods that are aligned with local ecosystems. By prioritizing the protection of GIs, we not only preserve cultural heritage but also contribute to the sustainability of rural economies and the environment.

In conclusion, the protection and promotion of geographical indications are essential for ensuring that future generations can enjoy the rich diversity of products that reflect our cultural identities. As we move forward, fostering awareness and support for GIs will be vital in preserving these invaluable connections between people, their land, and their heritage.

²⁰ Roberts, Charles, *Globalization and the Rise of Authenticity in Geographical Indications*, (Springer: 2021), p. 92.